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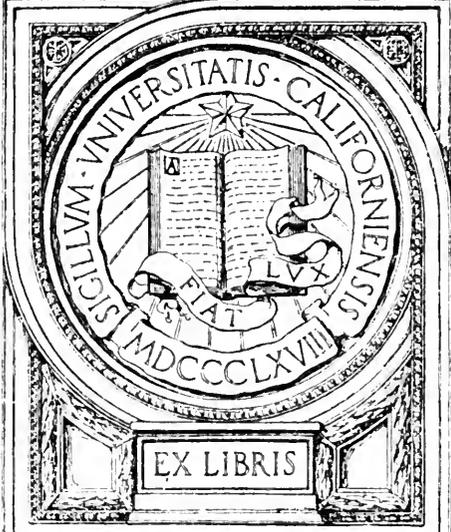
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# Primary Election

AND

# Election Expense Laws

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Passed by  
THIRTY-SECOND GENERAL ASSEMBLY



OFFICE OF  
THE  
SECRETARY OF STATE  
STATE OF CALIFORNIA

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# Primary Election Law

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## Chapter 51, Acts of the Thirty-second General Assembly.

### PRIMARY ELECTIONS.

S. F. 280.

AN ACT providing for the nomination, by political parties, or organizations, of candidates for various offices, and the election of delegates to conventions of said political parties or organizations, and the election of party committeemen, by a primary election, and for the holding of conventions by such political parties or organizations, providing penalties for the violations thereof, and repealing chapter forty (40), laws of the Thirtieth General Assembly, and chapters forty-five (45) and forty-six (46), laws of the Thirty-first General Assembly, relating to primary elections.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. Primary elections authorized—offices affected. That from and after the passage of this act the candidates of political parties for all offices which under the law are filled by the direct vote of the voters of this state

at the general election in November, (except candidates for the office of judge of the supreme, district and superior courts), for the office of senator in the congress of the United States, and for the office of elector of the president and vice-president of the United States, shall be nominated by a primary election, and delegates to the county conventions of said political parties or organizations and party county committeemen shall be elected at said primary election, at the times and in the manner hereinafter provided. The provisions of chapters three (3) and four (4), title six (6), and chapter eight (8), title twenty-four (24), of the code, shall apply so far as applicable to all such primary elections, the same as general elections, except as hereinafter provided. The vote upon candidates for the office of senator in the congress of the United States shall be for the sole purpose of ascertaining the sentiment of the voters in the respective parties.

**SEC. 2. Primary election defined.** The term "primary election" as used in this act shall be construed to apply to an election by the members of various political parties for the purpose of placing in nomination candidates for public office, for selecting delegates to conventions, and for the selection of party committeemen.

**SEC. 3. Political party defined.** The title "political party" shall mean a party which, at the last preceding general election, cast for its candidate for governor at least two per centum of the total vote cast at said election, provided that such other political organizations as may, under sections 1098 and 1099 of the code nominate and certify candidates and have their names placed upon the ballot for the November election, shall have the right so to do in the manner and under the conditions therein prescribed.

**SEC. 4. When held.** The primary election herein provided for shall consist of an election by all political parties and shall be held at the usual voting places of the several precincts on the first Tuesday after the first Monday in June, in the year nineteen hundred eight, and biennially thereafter, for the nomination of candidates for such offices as are to be filled at the general election in November next ensuing, (except candidates for the office of judge of the supreme, district and superior courts), for senator in the congress of the United States in the next year preceding the filling of that office by the general assembly, and for the electors of the president and vice-president of the United States, in the year in which a president and vice-president are to be elected.

**SEC. 5. Judges and clerks—how selected—oath—expenses.** The judges and clerks of all primary elections under this act shall be made up and selected and appointed in the same manner as for the general election held in November, and they shall take the same oath and the judges are hereby authorized to administer oaths as hereinafter provided. Vacancies shall be filled as provided for the judges and clerks of the general election, and their compensation shall be the same. The expenses of said primary election shall be paid one-half by the county in which the said primary election is held, and one-half by the state. The board of supervisors of each county shall audit the entire expense and certify the same to the executive council, which shall thereupon order a warrant for one-half the amount to be delivered to the county, which shall thereupon pay the entire amount.

**SEC. 6. Australian ballot—polls open—ballots.** The Australian ballot system as now used in this state, except as hereinafter provided, shall be used at said primary election in all precincts. The voter shall in all cases mark the ballot in the square before the name of each person for whom he desires to vote. In cities where registration is required by law, the polls shall be open from 7:00 a. m. to 8:00 p. m., and in all other precincts from 1:00 p. m. to 8:00 p. m. The elector voting at said primary election shall be allowed to vote for candidates for nomination on the ticket of only one political party, and that shall be the party with which he is registered as affiliated. The endorsement

of the judges of election and the fac simile of the auditor's signature shall appear upon the ballots as provided by law for the ballots used for the November election. The voter shall return the ballot folded to one of the judges of election who shall deposit it in the ballot box. If any primary elector write upon his ticket the name of any person who is a candidate for the same office upon some other party ticket than that upon which his name shall be so written, such ballot shall be so counted for such person only as a candidate of the party upon whose ballot his name is written, and shall in no case be counted for such person as a candidate upon any other ticket. In case the person is nominated upon more than one ticket, he shall forthwith file with the proper officer a written declaration indicating the party designation under which his name is to be printed on the official ballot for the general election following such primary election.

**SEC. 7. First declaration of party affiliation—record.** At the primary election to be held in June in the year nineteen hundred eight any person shall be entitled to participate therein who is a qualified elector in such precinct at the time of said primary election, and when the voter seeks to pass the guard-rail he shall indicate the party ballot he desires and one of the judges of the primary election board shall give him such primary ballot, (unless challenged, and if so challenged, then only in the event that the challenge is determined in favor of the voter), and such person shall thereupon be allowed to vote. The voter's selection shall constitute his declaration of party affiliation, and it shall be the duty of the primary election board to record his name and check his declaration of party affiliation on the poll books used by the clerks of the primary election board, and said list properly certified to by said primary election board shall be returned to the county auditor for preservation. Copies of the names and party entries on such list together with the changes of party affiliation as hereinafter provided, arranged alphabetically by surnames, shall be used at subsequent primaries for determining with what party the voter has been enrolled, and no voter enrolled under the provisions of this act shall be allowed to receive the ballot of any political party except that with which he is enrolled, but he may change his enrollment as hereinafter provided. The county auditor shall prepare for each voting precinct two of the above mentioned lists duly certified by him, and taken from the poll books of the last preceding primary election, which he shall deliver to the succeeding primary election boards in the year nineteen hundred ten and biennially thereafter, at least one day prior to the day of the primary election, and which list together with the poll books of the primary election shall be returned to the said auditor in good condition within twenty-four hours after the primary election, to be preserved by him.

**SEC. 8. Change of affiliation—first voter—removal.** Any person who has thus declared his party affiliation shall thereafter be listed on the poll books as a member of that political party, and such person while a resident of the same voting precinct need not declare his party affiliation at succeeding primary elections unless he desires to change his party affiliation. Any elector, who, having declared his party affiliation, desires to change the same, may, not less than ten days prior to the date of any primary election, file a written declaration with the county auditor stating his change of party affiliation, and the auditor shall enter a record of such change on the poll books of the last preceding primary election in the proper column opposite the voter's name and on the voting list. Any elector whose party affiliation has for any reason not been registered or any elector who has changed his residence to another precinct, or a first voter or citizen of this state casting his first vote in this state shall be entitled to vote at any subsequent primary election in the same manner and upon the same terms as provided in section seven (7) of this act, and the clerks of the primary election shall record his party affiliation and the county auditor shall add his name to the alphabetical lists for use in

subsequent primary elections as provided for in section seven (7) of this act.

**SEC. 9. Challengers—affidavit.** Each political party shall be entitled to have two party challengers present at each polling place, to be appointed by the respective party committeemen. Any judge or clerk of the primary election or any party challenger may challenge any voter upon the grounds mentioned in section eleven hundred fifteen (1115) of the code and such challenge shall be determined as there provided. Any elector whose party affiliation has been recorded as provided by this act and who desires to change his party affiliation on the primary election day, shall be subject to challenge. If the person challenged insists that he is entitled to vote the ticket of the political party to which he has transferred his political affiliation and the challenge is not withdrawn, one of the judges shall tender to him the following oath: "You do solemnly swear (or affirm) that you have in good faith changed your party affiliation to and desire to be a member of the ..... party." And if he take such oath he shall thereupon be given a ticket of such political party and the clerks of the primary election shall change his enrollment of party affiliation accordingly.

**SEC. 10. Nomination papers—candidates—affidavit.** No candidate for an elective county office shall have his name printed upon the official primary ballot of his party unless at least thirty days prior to the day fixed for holding the primary election a nomination paper shall have been filed in his behalf in the office of the county auditor; and no candidate for nomination for an elective state office, or for representative in the congress of the United States, or member of the general assembly, shall have his name printed upon the official primary ballot of his party unless at least forty days prior to such primary election a nomination paper shall have been filed in his behalf in the office of the secretary of state; and no member of a political party desiring or intending to be a candidate for the office of senator in the congress of the United States, or a candidate for the office of elector of the president and vice-president of the United States, shall have his name printed upon the official primary ballot of his party in any election precinct unless at least forty days prior to such primary election a nomination paper shall have been filed in his behalf in the office of the secretary of state. A candidate for an office to be filled by the voters of any sub-division of a county shall not be required to file any nomination paper or papers. All nomination papers shall be in substantially the following form:

"I, the undersigned, a qualified elector of .....county, and state of Iowa, and a member of the .....party, hereby nominate..... of .....county, state of Iowa, who has affiliated with and is a member of the.....party, as a candidate for the office of.....to be voted for at the primary election to be held in June, 19....", and shall consist of sheets of uniform size about 8½ by 13 inches. No signatures shall be counted unless they are on sheets each having such form written or printed at the top thereof. Each signer of a nomination paper shall sign but one such nomination paper for the same office, except where more than one officer is to be elected to the same office, in which case he may sign as many nomination papers as there are officers to be elected, and only one candidate shall be petitioned for or nominated in the same nomination paper. Each signer of a nomination paper shall add his residence with street and number, if any, and the date of signing. For all nominations, all signers of each separate part of a nomination paper shall reside in the same county. When more than any sheet is used for any nomination paper, the sheets shall be laid one upon the other and neatly, evenly, and securely fastened together before filing, and shall be considered as one nomination paper only. A nomination paper, when filed, shall not be withdrawn nor added to, nor any signature thereon revoked. The affidavit of a qualified elector shall be appended to each such nomination paper, or papers, if more than one for any candidate, stating

that he is personally acquainted with all the persons who have signed the same; that he knows them to be electors of that county and believes them to be affiliated with the party named therein; that he knows that they signed the same with full knowledge of the contents thereof; that their respective residences are truly stated therein; and that each signer signed the same on the date stated opposite his name, but such affidavit shall not be made by the candidate. Each and every candidate shall make and file his affidavit stating that he is eligible to the office for the township, county, district or state in which he is and will be a bona fide candidate for nomination for said office, and shall file such affidavit with the said nomination paper or papers, when such paper or papers are required. If no such paper or papers are required, then he shall file such affidavit alone, with the county auditor, at least thirty days prior to such primary election, and the filing of such affidavit shall entitle such candidate to have his name printed on the official primary ballot of his party. Such affidavit shall be in form and substance as follows:

"I,.....being duly sworn, say that I reside at..... street, (city or town) of ..... county of ..... in the state of Iowa; that I am eligible to the office for which I am a candidate, and that the political party with which I affiliate is the ..... party; that I am a ..... and a candidate for nomination to the office of ..... to be made at the primary election to be held in June, 19...., and hereby request that my name be printed upon the official primary ballot as provided by law, as a candidate of the ..... party. I furthermore declare that if I am nominated and elected I will qualify as such officer.

(Signed) .....

Subscribed and sworn to (or affirmed) before me.....by.....on this ..... day of ....., 19....

The nomination papers above required shall be signed as follows:

(1). If for a state office, United States senator, or elector at large, by at least one per centum of the voters of the party (as shown by the returns of the last general election) of such candidates, in each of at least ten counties of the state, and in the aggregate not less than one-half of one per centum of the total vote of his party in the state, as shown by the last general election.

(2). If for a representative in congress, district elector, or senator in the general assembly in districts composed of more than one county, by at least two per centum of the voters of his party, as shown by the last general election, in at least one-half of the counties of the district, and in the aggregate not less than one per centum of the total vote of his party in such district, as shown by the last general election.

(3). If for an office to be filled by the voters of the county, by at least two per centum of the party vote in the county, as shown by the last general election.

In each of the above cases, the vote to be taken for the purpose of computing the percentage shall be the vote cast for the head of the ticket.

SEC. 11. **Blank nomination papers.** The secretary of state shall cause to be printed and keep on hand a sufficient quantity of nomination paper blanks in form as provided for in this act and shall furnish the same on application to any qualified elector in the state desiring to petition for the nomination of any candidate, or to a person who intends to be a candidate, for any office whose nomination paper is required to be filed in his office; and the county auditor of each county shall likewise cause to be printed and keep on hand a sufficient quantity of such nomination paper blanks and furnish the same on application to any qualified elector in his county desiring to petition for the nomination of any candidate, or to a person who intends to be a candidate, for any office whose nomination paper is required to be filed in his office.

**SEC. 12. Nominations certified to county auditor—notice published.** At least thirty days before any such primary election, the secretary of state shall transmit to each county auditor a certified list containing the name and post-office address of each person for whom a nomination paper has been filed in his office, in accordance with the provisions of section ten of this act and entitled to be voted for at such primary election by the voters of such county, together with a designation of the office for which he is a candidate, and the party from which he seeks a nomination. Such auditor shall forthwith upon receipt thereof, publish, under the proper party designation, the title of each office to be filled, the names and addresses of all persons for whom proper nomination papers have been duly filed, both in his own office and in the office of the secretary of state, giving the name and address of each, the date of the primary, the hours during which the polls will be open, and that the primary will be held in the regular polling place in each precinct. It shall be the duty of the said auditor to publish said notice once each week for two consecutive weeks prior to the said primary election. He shall also forthwith mail four copies of such notice to each city, town, and township clerk of the county, who shall immediately post three of said copies in three public places in each precinct of his township, town or city, designating therein the location of the polling booth in each election precinct. Every publication required in this act shall be made in at least two and not to exceed four newspapers of general circulation in such county. One of such newspapers shall represent the political party which cast the largest vote in such county at the last preceding general election, and one of such newspapers shall represent the political party which cast the next largest vote in such county at said general election. In any case where the publication of a notice can not be made as hereinbefore required, it may be made in any newspaper having a general circulation in the county in which the notice is required to be published.

**SEC. 13. Printing.** The names of the candidates of each political party for nomination for the several offices and blank spaces for delegates to the county convention and for party committeemen shall be printed in black ink on separate sheets of paper uniform in color, quality, texture and size, with the name of the political party printed at the head of said ballots, which ballots shall be prepared by the county auditor in the same manner as for a general election. The names of candidates on all primary election ballots shall be arranged alphabetically according to surnames for each office.

**SEC. 14. Ballot—form.** The official primary election ballot shall be prepared, arranged and printed substantially in the following form:

.....PRIMARY ELECTION BALLOT  
 (Name of Party)  
 of  
 .....Township or Precinct, .....Ward, City or Town  
 of....., County of....., State of Iowa.  
 Primary election held on the.....day of June, 19...

FOR UNITED STATES SENATOR.

(Vote for one.)

- William K. Brown
- J. R. Wayne
- .....

FOR GOVERNOR.

(Vote for one.)

- Howard Collins
- William Longley
- .....

(Followed by other elective state and district officers in order.)

FOR COUNTY AUDITOR.

(Vote for one.)

- William Strong
- Robert Thompson
- .....

(Followed by other elective county officers in order.)

FOR DELEGATES TO COUNTY CONVENTION.

(Vote for ....)

- .....
- .....
- .....
- .....
- .....

FOR TOWNSHIP CLERK.

(Vote for one.)

- John H. Black
- Joseph Raymond
- .....

FOR TOWNSHIP TRUSTEES.

(Vote for two.)

- Clarence Foster
- William Jones
- H. S. Wilson
- .....

(Followed by other elective township officers in order.)

FOR PARTY COMMITTEEMAN.

(Vote for one.)

- .....

SEC. 15. **Sample ballots.** The county auditor of each county shall, at least fifteen days preceding the primary election, cause to be printed sample ballots of each political party and the words, "SAMPLE BALLOT" shall be printed near the top of each of such ballots in large capital letters, and immediately thereafter shall mail one of such sample ballots to each candidate who is entitled to have his name printed on the official primary ballot of any party

in any precinct in his county to the postoffice address of such candidate as given in his nomination paper, or affidavit, as the case may be, filed in the auditor's office, or as certified to him by the secretary of state, and one to the chairman of the county central committee, if any, of each political party in his county to his usual postoffice address as known to the auditor, or as ascertained by him; and such auditor shall correct any errors and omissions brought to his knowledge prior to the printing of the official ballots.

SEC. 16. **Supplies—poll books.** All necessary election supplies, including poll books as provided by law, for the general election, together with a sufficient number of official primary ballots of each party, shall be furnished for the primary election board for each precinct by the county auditor, and such poll books shall contain blank spaces for the names of the candidates of the several parties for the different offices to be written in, and blank spaces for entering by the clerks the names of the electors voting at said primary election; and upon the pages provided for entering the names of said voters there shall be ruled spaces for the listing of the names of said voters and for the designation of the party ticket voted by said elector in manner and form substantially as follows:

No.	Name	Repub- lican	Democ- rat	Prohibi- tionist	Socialist
1	James Smith.....	X			
2	Tom Jones.....		X		
3	Dan Brown.....			X	
4	George White.....				X

It shall be the duty of the clerks of the primary election when entering the name of a voter to place in the poll books a cross thus (X) in the column designating the party ticket which was given to said voter upon his application for a ticket.

SEC. 17. **Ballots counted—returns.** Upon the closing of the polls the clerks and judges shall immediately open the ballot box and proceed to take therefrom the ballots. Said officers shall count the number of ballots cast for each party, at the same time bunching the tickets cast for each party, in separate piles. As soon as the clerks and judges shall have sorted the ballots of each party, separately, they shall take the tally sheets provided in the poll books and shall count all the ballots for each party separately until the count is completed, and shall certify to the number of votes cast for each candidate for each office upon the ticket of each party. After all have been counted and certified to by the clerks and judges, they shall seal the ballots cast by each of the parties in separate envelopes, on the outside of which shall be printed or written the names of that party's candidates for the different offices, and opposite each candidate's name shall be placed the number of votes cast for such candidate in said precinct, and then seal the envelopes containing the votes of the different political parties, in one large envelope, on the outside of which, or on a paper attached thereto, shall be printed or written, in perpendicular columns, the names of the several political parties with the names of the candidates for the different offices under their respective party headings, and opposite each candidate's name shall be placed the number of votes cast for such candidate in said precinct, and at the bottom the total vote cast by each political party in said precinct, and such envelopes shall be returned to the county auditor, who shall carefully preserve the same in said condition and deliver them to the county board of canvassers. But any elector of the county shall have the right, before the day fixed for canvassing

the returns, to ascertain the vote cast for any candidate in any precinct in the county, as shown on the outside of the large envelope. Said judges of election shall deliver the returns so made, together with the poll books, including tally sheets and certificates of the judges and clerks written thereon, to the county auditor within twenty-four hours after the primary election has closed; and if the returns from any precinct be not so delivered within the said time, the county auditor shall forthwith send a messenger for any such missing returns, and said messenger shall be paid, as provided by law, for the general election.

**SEC. 18. Recount of ballots.** Any candidate, whose name appears upon the official primary ballot of any voting precinct, may require the board of supervisors of the county in which such precinct is situated to recount the ballots cast in any such precinct, at the time fixed for canvassing the returns of the judges of election, by filing with the county auditor not later than the day before such meeting, a showing, duly sworn to by any such candidate, that fraud was committed, or error or mistake was made, in counting or returning the votes cast in any such precinct. The showing must be specific and from it there must appear reasonable ground to believe that a recount of the ballots would produce a result different from the returns made by the judges. If such showing is made to the satisfaction of the board, thereupon the board shall recount the ballots cast in any such precinct, as to all candidates, including persons voted for for delegates and party committeemen, and make up a new return which in all subsequent proceedings shall be substituted for the returns of the judges of election for the precinct. The action of the board shall be final and no other contest of any kind shall be permitted. If a recount of the ballots of any precinct produces a result different from the returns of the judges with respect to delegates or party committeeman, the county auditor shall make or correct his certified list thereof to the chairmen of the respective party central committees for the county accordingly. The term "candidate" as used in this section shall include and apply to persons voted for for delegates and party committeeman.

**SEC. 19. Canvass by board of supervisors—certificates.** On Tuesday next following the primary election in June, the board of supervisors shall meet, open, and canvass the returns from each voting precinct in the county, and make abstracts thereof, stating in words written at length the number of ballots cast in the county by each political party, separately, for each office, the name of each person voted for and the number of votes given to each person for each different office and shall sign and certify thereto and file the same with the county auditor. Such canvass and certificate shall be final as to all candidates for nomination to any elective county office or office of a subdivision of a county; and the candidate or candidates of each political party for each office to be filled by the voters of any subdivision of a county having received the highest number of votes shall be duly and legally nominated as the candidate of his party for such office; and the candidate or candidates of each political party for each office to be filled by the voters of a county having received the highest number of votes, and not less than thirty-five per centum of all the votes cast by the party for such office, shall be duly and legally nominated as the candidate of his party for such office; and each candidate so nominated shall be entitled to have his name printed on the official ballot to be voted for at the general election without other certificate, and the board shall prepare and certify a list of the candidates of each party so nominated, separately, and deliver to the chairman of each party central committee for the county a copy of the list of candidates nominated by the party he represents; and shall also prepare, certify and deliver to such chairman a list of the offices to be filled by the voters of a county for which no candidate of his party was nominated, together with the names of the candidates for each of such offices

voted for at the primary election and the number of votes received by each of such candidates.

**SEC. 20. Abstracts forwarded to secretary of state.** The county board of canvassers shall also make a separate abstract of the canvass as to the following offices and certify to the same and forthwith forward it to the secretary of state, viz.:

United States senator,  
Electors of the president and vice-president of the United States,  
All state offices,  
Representative in congress,  
Senators and representatives in the general assembly.

**SEC. 21. County returns filed.** When the canvass is concluded, the board shall deliver the original returns to the auditor, who shall file the same and record each of the abstracts above mentioned in the election book.

**SEC. 22. Canvass by state board—certificates.** On the second Monday after the June primary election, the executive council shall meet as a canvassing board, and open and canvass the abstract returns received from each county in the state. If returns are not received from all the counties, the secretary of state shall immediately send a messenger after the abstract returns and the board may adjourn from day to day until they are received. The board shall make an abstract of its canvass, stating in words written at length, the number of ballots cast by each political party, separately, for each office designated in section twenty hereof, the names of all the persons voted for, and the number of votes received by each person for each office, and shall sign and certify thereto. Such canvass and certificates shall be final as to all candidates named therein; and the candidate of each political party for each office to be filled by vote of the people, having received the highest number of votes in the state or district of the state, as the case may be, provided he received not less than thirty-five per centum of all the votes cast by the party for such office, shall be duly and legally nominated as the candidate of his party for such office and entitled to have his name printed on the official ballot to be voted at the general election without other certificate; and the board shall prepare and certify a list of the candidates of each party so nominated, separately, and deliver to the chairman of each party central committee for the state a copy of the list of candidates nominated by the party he represents; and shall also forthwith prepare a certificate as to each office, separately, for which no candidate was nominated, together with the names of the several candidates for each of such offices voted for at the primary election and the number of votes received by each of such candidates and send such certificate to the chairman of the party central committee for the state, in case of offices to be filled by the voters of the entire state, and to the chairman of the party central committee for a district of the state, if known, in case of offices to be filled by the voters of any such district of the state composed of more than one county, and to the county auditor of each county in any such district, and to the county auditor and the chairman of the party central committee for the county, in case any such district is composed of one county.

**SEC. 23. State returns filed—nominations certified to county auditor.** When the canvass is concluded, the board shall deliver the original abstract returns to the secretary of state, who shall file the same in his office and record the abstracts of the canvass of the state board and certificates attached thereto in the book kept by him known as the election book; and not less than fifteen days before the general election he shall certify to the auditor of each county, under separate party headings, the name of each person nominated as shown by the official canvass made by the executive council, or as certified to him by the proper persons when any person has been nominated by a convention, his place of residence, the office to which he is nominated, and the order in which

the tickets of the several political parties shall appear on the official ballot. Should a vacancy in the nominations occur and be filled after such certificate has been forwarded, a like certificate shall at once be made and sent to the proper officer together with a statement showing the reason for its subsequent issue.

**SEC. 24. Tie vote—vacancies.** In case of a tie vote resulting in no nomination for any office, or election of delegates or party committeeman, the tie shall forthwith be determined by lot by the board of canvassers, or judges of election, as the case may be. Vacancies occurring after the holding of any primary election occasioned by death, withdrawal or change of residence of any candidate, or from any other cause, shall be filled by the party committee for the county, district, or state, as the case may be, representing the party in which the vacancy nomination occurs.

**SEC. 25. County convention—delegates—committeemen.** In each county there shall be held in each year in which a general election in November is to take place a county convention of each political party. Said county convention shall be composed of delegates elected at the last preceding primary election, and shall be held on the third Saturday following the primary election, convening at 11:00 o'clock a. m. The number of delegates from each voting precinct shall be determined by a ratio adopted by the respective party county central committees, and shall be thus determined and a statement designating the number from each voting precinct in the county filed in the office of the county auditor at least thirty days before the primary election; if not so done, the auditor shall fix the number. The requisite number of names of candidates of his choice for delegates to the county convention to which each precinct is entitled shall be written, or pasted with uniform white pasters, on the blank lines upon the ballot by the voter while in the booth, or by some one designated by a voter unable to write, after the ballots are received and before they are deposited, and the requisite number of persons from each precinct who receive the highest number of votes shall be the delegates from the precinct to the county convention. One member of the county central committee for each political party from each precinct shall be elected in the same manner in which delegates are selected. His term of office shall begin on the day of the county convention and immediately following the adjournment thereof and shall continue for two years and until his successor is elected and qualified, unless such committeeman shall be removed by the county central committee for inattention to the duties of his position, incompetency or failure to support the ticket nominated by the party which elected him to such position. Returns shall be made by the judges of election respecting delegates and members of the county central committee in the same manner as for other offices, except that the judges of election shall canvass the returns as to delegates and members of the county central committee, and certify the result to the auditor with the returns. The auditor shall, immediately after such returns are filed, notify the delegates and members of the county central committee who have thus been elected, of their election, and of the time and place of holding the county convention, and shall on the second Thursday following the primary election, deliver a certified list thereof to the chairmen of the respective party central committees for the county. When the delegates, or a majority thereof, thus elected shall have assembled in the county convention at the time herein prescribed and at the county seat the convention shall be called to order by the chairman of the county central committee, who shall present the certified list of delegates and members of the county central committee, and a list of the offices for which no nomination was made at the primary election. If any precinct shall not be fully represented the delegates present from such precinct shall cast the full vote thereof, but there shall be no proxies. The said county convention shall make nominations of candidates for the party for any office

to be filled by the voters of a county when no candidate for such office has been nominated at the preceding primary election, as shown by the canvass of the returns provided for in section 19 of this act, and shall nominate candidates for the office of judge of the district court in counties comprising one judicial district of the state, and shall select delegates to the next ensuing state and district conventions of that year upon such ratio of representation as may be determined by the party organization for the state, district or districts of the state, as the case may be, but no delegates shall be so selected to any of the district conventions referred to in section 26 of this act, except judicial conventions, unless a call therefor has been issued as therein provided. The said county convention shall also elect a member of the party central committee for the senatorial, judicial, and congressional districts composed of more than one county.

**SEC. 26. District convention.** In any senatorial, judicial, or congressional district composed of more than one county, in any year in which a senator in the General Assembly, a judge of the district court, or a representative in the congress of the United States, is to be elected, a senatorial or congressional convention may be held, and a judicial convention shall be held by each political party participating in the primary election of that year. Not less than ten days and not more than sixty days before the day fixed for holding the county convention a call for such senatorial, judicial and congressional convention to be held shall be issued by the party central committee for any such district and published in at least one newspaper of general circulation of each county composing any such district and which call shall state among other things the number of delegates each county of the district shall be entitled to and the time and place of holding the convention. Any such call shall be signed by the chairman of the party central committee for any such district, and be filed by him with the county auditor not less than five days before the county convention and the county auditor shall attach a true copy thereof to the certified list of delegates required to be delivered by him to the chairmen of the respective party county central committees. In case no nomination was made in the primary election for the office of senator in the General Assembly in any district composed of more than one county, or for the office of representative in congress of the United States, as shown by the certificate issued by the state board of canvassers provided for in this act, then in any such district the chairman of the party central committee therefor shall forthwith issue such call for a convention in such district and deliver the same to the county auditor of each county in the district and in such case said call need not be published. No such district convention shall be held earlier than the first Thursday or later than the fifth Thursday following the county convention. The convention when organized shall make nominations of candidates for the party for any such district office when no candidate for such office has been nominated at the preceding primary election as shown by the canvass of the votes provided for in section twenty-two hereof. The organization of and procedure in any such district convention shall be the same as in the state convention. Such district conventions may adopt party platforms and transact such other business as may properly be brought before them.

**SEC. 27. State convention—state central committee.** A state convention of each political party, composed of delegates chosen in the manner herein provided, shall be held not earlier than the third Thursday and not later than the fifth Thursday following the primary election in the year nineteen hundred eight, and biennially thereafter, convening at such time and place as may be determined upon by the party organization. The convention shall be called to order by the chairman of the state central committee, who shall thereupon present the list of delegates, as certified by the various county conventions, and effect a temporary organization. If any county shall not be fully repre-

mented, the delegates present from such county shall cast the full vote thereof, but there shall be no proxies. Such convention when permanently organized shall formulate and adopt the state platform of the party it represents, and shall make nominations of candidates for the party for any state office to be filled by the voters of the entire state when no candidate for such office has been nominated at the preceding primary election as shown by the canvass of the returns provided for in section twenty-two hereof; and shall nominate candidates for the office of judge of the supreme court. It shall also elect a state central committee consisting of not less than one member from each congressional district and transact such other business as may properly be brought before it. The state central committee elected at said state convention may organize at pleasure for political work as is usual and customary with such committees and shall continue to act until succeeded by another committee duly elected.

**SEC. 28. Existing party committees.** The regularly organized political committees of each party as at present or hereafter constituted may continue to act until supplanted by the committees elected under the provisions of this act.

**SEC. 29. Nomination by petition.** Nothing contained in this act shall be construed so as to prohibit nomination of candidates for office by petition as now authorized by law; but no person so nominated shall be permitted to use the name of any political party authorized or entitled under this act to nominate a ticket by primary vote or that has nominated a ticket by primary vote under the provisions of this act.

**SEC. 30. Special elections.** This act shall not apply to special elections to fill vacancies.

**SEC. 31. Misconduct of election officials—penalty.** Any party committeeman or any primary election or other public officer upon whom a duty is imposed by this act or by acts herein made applicable to primary elections, who shall wilfully neglect to perform any such duty, or who shall wilfully perform it in such a way as to hinder the objects thereof, or shall disclose to anyone, except as may be ordered by any court of justice, the contents of any ballot or any part thereof, as to the manner in which the same may have been voted, shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the penitentiary not to exceed five years, or by both such fine and imprisonment.

**SEC. 32. Services for hire—penalty.** Any person who shall agree to perform any services in the interest of any candidate in consideration of any money or other valuable thing, or who shall accept any money or other valuable thing for such services performed in the interest of any candidate, or any person paying or offering to pay or giving or offering to give money or other valuable things for such services, shall be punished by a fine of not more than three hundred dollars, or by imprisonment in the county jail not exceeding ninety days. But nothing herein shall be construed to prohibit any person from making contracts in good faith for the announcement of his candidacy in the newspapers and for securing the names of voters required to file preliminary nomination papers and the payment of any reasonable compensation for such services.

**SEC. 33. Bribery—illegal voting—penalty.** Any person offering or giving a bribe, either in money or other consideration, to any elector for the purpose of influencing his vote at any primary election, or any elector entitled to vote at such primary election receiving and accepting such bribe; any person making false answer to any of the provisions of this act relative to his qualifications and party affiliations; any person wilfully voting or offering to vote at a primary election who has not been a resident of this state for six months next preceding said primary election; or who, at the primary election is not twen-

ty-one years of age, or is not a citizen of the United States; or knowing himself not to be a qualified elector of such precinct where he offers to vote; or any person violating any of the provisions of this act, or of any provisions of the code as may be hereto applied, and any person knowingly procuring, aiding or abetting such violation, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than six months.

**SEC. 34. Repealed.** Chapter forty (40) of the laws of the Thirtieth General Assembly, relating to primary elections; and chapters forty-five (45) and forty-six (46) of the laws of the Thirty-first General Assembly, relating to primary elections, are hereby repealed.

**SEC. 35. Primary elections in certain cities.** The provisions of this act shall, so far as applicable, govern the nominations of candidates by political parties for all offices to be filled by a direct vote of the people in cities of the first class and cities acting under a special charter having a population of over fifteen thousand, except all such special charter cities and cities of the first class as have by vote of the people adopted a plan of municipal government which specifically provides for a non-partisan primary election. The duties devolving upon the county auditor, by the foregoing provisions of this act, shall, in municipal elections, devolve upon the city auditor and the duties devolving upon the board of supervisors by the foregoing provisions of this act, devolve upon the city council which shall meet to perform said duties within two days next following the primary election. The date of the municipal primary election shall be the last Monday in February of each year in which a municipal election is held in said cities, after the year 1907, and the percentage of voters signing petitions required for printing the name of a candidate upon the official primary ballot shall be the same as is required of a candidate for a county office and shall be based upon the vote cast for mayor by the respective parties in the preceding city election. The names of candidates for ward aldermen, for city precinct committeemen and for delegates to the city convention, shall not be printed upon the official primary ballot but in each case a blank line or lines shall be provided therefor. A plurality shall nominate the party candidate for alderman and a plurality shall elect the precinct committeemen and delegates to the city convention. The entire expense of conducting a primary election provided for in this section shall be audited by the city council and paid by the city. This section shall not be held to repeal any law which provides for the adoption of a plan of municipal government by vote of the people and which embraces a non-partisan primary election.

Approved April 4, A. D. 1907.

# ELECTION EXPENSE LAW

## Chapter 50, Acts of the Thirty-second General Assembly.

### ELECTION EXPENSES.

H. F. 477.

AN ACT to amend title six (VI), chapter three (3) of the code, relating to elections.

*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1. Amended.** That title six (6), chapter three (3) of the code be and the same is hereby amended by adding the following sections thereto:

**SEC. 2. Candidates to make sworn statement of election expenses—where filed.** Every candidate for any office to be voted for at any primary, municipal or general election shall, within ten days after the holding of such primary, municipal or general election, file a true, correct, detailed, sworn statement showing each and all sums of money or other things of value disbursed, expended or promised directly or indirectly by him, and to the best of his knowledge and belief by any other person or persons in his behalf for the purpose of aiding or securing his nomination or election. If the person be a candidate for a municipal or a county office, such statement shall be filed with the county auditor; if for a state office, or any other office to be voted for by the electors of more than one county, such statement shall be filed with the secretary of state. Such statement shall show the dates, amounts, and from whom such sums of money or other things of value were received; and the dates, amounts, purposes and to whom paid or disbursed, and shall include the assessment of any person, committee, or organization in charge of the campaign of such candidate.

**SEC. 3. Testimony—immunity from prosecution.** In prosecutions under this act, no witness shall be excused from giving testimony on the ground that his testimony would tend to render him criminally liable or expose him to public ignominy, but any matter so elicited shall not be used against him, and said witness shall not be prosecuted for any crime connected with or growing out of the act on which the prosecution is based in the cause in which his evidence is used for the state, under the provisions of this section.

**SEC. 4. Statements by committee chairmen.** The chairman of each party central committee for the state, district or county, shall file a statement of receipts and expenditures within ten days after the general election. The chairmen of state and district central committees shall file said statements with the secretary of state; and the chairmen of county central committees, with the county auditor. Such statements shall contain all the information required to be filed by candidates as set forth in section two (2) of this act, and in addition thereto shall state the amounts or balances remaining on hand. The person filing the same shall make oath that it is a full, true and correct statement.

**SEC. 5. Statements open to public inspection.** The statements provided for in this act shall be open at all times to the inspection of the public, and remain on file and become a part of the permanent records in the office where filed.

**SEC. 6. Treating near the polls.** It shall be the duty of the judges and clerks of all municipal, general and primary elections to prohibit the placing, keeping, and giving to the voters, by any person of any cigars, food or other refreshments or treats, in or about the polling place.

SEC. 7. **Penalty.** Any person violating any of the provisions of the last five preceding sections shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50) nor more than three hundred dollars (\$300), or by imprisonment in the county jail not less than thirty (30) days nor more than six (6) months.

Approved April 13, A. D. 1907.



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